

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:07CR100 RWS
)	
JOSEPH ALLEN AKENS,)	
)	
Defendant.)	

ORDER

This case comes before me on Defendant's Objection to Magistrate Judge's Memorandum, Report and Recommendation.

A hearing on Defendant's Motion to Suppress Evidence and Statements was held on August 10, 2007 before United States Magistrate Judge Lewis Blanton. By consent of the parties the matter was reassigned to Magistrate Judge David D. Noce. On October 22, 2007 Judge Noce entered his Report and Recommendation that Defendant's Motion to Suppress Evidence and Statements be denied. Defendant has objected the Judge Noce's Report and Recommendation.


I have conducted a de novo review of the hearing and briefs filed by the parties. I agree with Judge Noce that there was a substantial basis for the state court judge to issue the search warrant. I also find that the defendant's post arrest statements are admissible.

Accordingly,

IT IS HEREBY ORDERED that United States Magistrate Judge David Noce's Report and Recommendation, filed October 22, 2007, is **SUSTAINED, ADOPTED AND INCORPORATED** herein. Based on my review of Judge Noce's Report and Recommendation, the evidentiary hearing transcript, as well as relevant caselaw, I concur with Judge Noce's

findings and recommendation.

IT IS FURTHER ORDERED that Defendant Joseph Allen Akens' motion to suppress evidence (doc #25) is DENIED.

A handwritten signature in black ink, appearing to read "Rodney W. Sippe", written over a horizontal line.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 3rd day of December, 2007.